

### **DETAILED ACTION**

In the reply filed on 04/07/2008, After BPAI Decision, claims 17, 20-24, 27 and 31 have been amended.

Claims 1-6, 8-13, 15-17, 19-31 are pending.

- Claims 1-6, 8-13, 15-16 and 30 have been allowed.
- Claims 17 and 19-23 have been rejected under 35 USC 101 and claim 31 has been rejected by BPAI under 35 USC 101.
- Claims 17, 19, 21-23 and 31 have been rejected under 35 USC 102(e).
- Claims 20 and 24-29 have been rejected under 35 USC 103(a).

The amendment filed 04/07/2008 after a decision by the Board of Patent Appeals and Interferences is not entered because prosecution is closed. Also, the amendment was not included or incorporated the explicit statement suggested by the Board, under 37 CFR 41.50(c). As provided in 37 CFR 1.198, prosecution of the proceeding before the primary examiner will not be reopened or reconsidered by the primary examiner after a final decision of the Board except under the provisions of 37 CFR 1.114 (request for continued examination) or 37 CFR 41.50 without the written authority of the Director, and then only for the consideration of matters not already adjudicated, sufficient cause being shown.

Applicant is required to make the necessary corrections addressing the outstanding formal matters within a shortened statutory period set to expire ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter. Extensions of time may be granted under 37 CFR 1.136.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEEMNET W. DADA whose telephone number is (571)272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Beemnet W Dada

May 5, 2008

/KIMYEN VU/

Supervisory Patent Examiner, Art Unit 2135